

Applicants: Nolan and Filshie
Application No.: 09/342,024
Filed: June 28, 1999
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REMARKS

Claims 1-39 were pending prior to this Response, with claims 3, 13-16, 18 and 23-29 being withdrawn pursuant to a restriction requirement. By the present communication, page 1 of the Specification is amended to add a priority claim for the application. In addition, claims 2-4, 6, 13-16, 18 and 23-29 are cancelled without prejudice and claims 1 and 39 are amended as shown in attached Exhibit A to define Applicant's invention with greater particularity. The amendments add no new matter, being fully supported by the Specification and original claims. Accordingly, claims 1, 5, 7-12, 17, 19-22 and 30-39 are currently pending.

The Advisory Action states that the amendments included in the Response to Office Action filed 27 December 2002 were not entered.

Request for Correction of Filing Receipt

The Advisory Action requests that the amendment to the Specification to claim dependency from U.S. application 09/103,477 also "include the claim for priority under 35 U.S.C. 120 to PCT/US99/14447" (Advisory Action page 2). Applicants have complied with the Examiner's request by referencing the PCT application in the priority information in the first paragraph of the application. To perfect the priority of the application, Applicant additionally attach a document entitled "Request for Correction of Filing Receipt" to make formal amendment to the priority information for the application.

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The Objection to the Claims

Claims 4 and 6 are objected to as allegedly failing to further limit the subject matter of a previous claim. By the present communication, claims 4 and 6 have been cancelled, rendering moot the objection to claims 4 and 6.

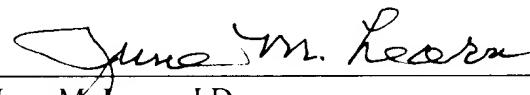
The Rejection under 35 U.S.C. § 102

Claims 1-2, 4-11, 19-20 and new claims 30, 31, 34, 36, 37 and 39 are rejected under 35 U.S.C. § 102 (e) as allegedly being anticipated by U.S. Patent No. 5,944,710 to Dev et al. (hereinafter “Dev”). Claims 2, 4 and 6 are cancelled, making rejection of these claims over Dev moot. With respect to the pending claims, Applicants submit herewith a Declaration under 37 C.F.R. §1.132 executed by Dietmar P. Rabussay, Vice President of Research and Development of Genetronics, Inc. declaring that the present application and U.S. Patent No. 5,944,710 are commonly owned by Genetronics Corporation, as evidenced by Assignments recorded at the U.S. Patent and Trademark Office. In view of the this Declaration, Applicants submit that U.S. Patent No. 5,944,710 is not available as a reference under 35 U.S.C. § 102(e) as amended by H.R. 2215 (Technical Amendment Act). Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims over U.S. Patent No. 5,944,710 to Dev et al.

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In view of the Declaration under 37 C.F.R. § 1.132 submitted herewith and the above amendments and remarks, Applicants respectfully submit that all objections and rejections have been overcome and allowance of the pending claims is respectfully requested. If the Examiner would like to discuss any of the issues raised in the Office Action, the Examiner is encouraged to call the undersigned so that a prompt disposition of this application can be achieved.

Date: February 26, 2003


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Enclosures: Exhibit A
132 Declaration
Request for Correction of Filing Receipt

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Exhibit A: Page 1

EXHIBIT A
Version with Markings to Show Changes Made

In the Specification

Please add the following paragraph as paragraph 1 of page 1 of the Specification:

-- This application is a continuation-in-part application of U.S. Application Serial No. 09/103,477, filed June 24, 1998, now abandoned, and claims priority under 35 U.S.C. § 120 to PCT/US99/14447, filed June 25, 1999, now abandoned, each of which is incorporated herein by reference in its entirety. --